

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

February 15, 2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR. 04-00197HG
CASE NAME: U.S.A. vs. (01) DAVID LANG AKANA, aka "Kawika" and
"Uncle"
ATTYS FOR PLA: Chris A. Thomas
ATTYS FOR DEFT: Mark R. Zenger
U.S.P.O.: Neil W. Tsukayama

JUDGE: Helen Gillmor

REPORTER: Stephen Platt

DATE: February 15, 2006

TIME: 9:00 - 9:50

COURT ACTION: SENTENCING TO COUNTS 1, 2, 3 & 4 OF THE FIRST
SUPERSEDING INDICTMENT as to (01) DAVID
LANG AKANA -

The defendant is present in custody.

Mr. Zenger informed the Court of the defendant's concern of Mr. Zenger's representation of him. The Court directed Mr. Thomas to vacate the courtroom. Defendant Akana addressed the Court. The defendant indicated that he is okay with Mr. Zenger's representation on the issue of sentencing. Mr. Thomas returned to the courtroom.

Allocution by the defendant.

ADJUDGED: Impr of 240 mos as to Counts 1, 2, 3 and 4, with all terms to run concurrently,

SUPERVISED RELEASE: 10 yrs as to each count, with all terms to run concurrently, upon the following conditions:

1. That the defendant shall abide by the standard conditions of supervision.

2. That the defendant not commit any crimes, federal, state, or local (mandatory condition).
3. That the defendant not possess illegal controlled substances (mandatory condition)
4. That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the terms of supervision (mandatory condition).
6. That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. That the defendant execute all financial disclosure forms, and provide the Probation Office access to any requested financial information.
9. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special assessment: \$400.

Advised of rights to appeal. Mr. Zenger is directed to file a Notice of Appeal. The Court will allow new counsel to be appointed for the purpose of appeal if requested by the Defendant.

RECOMMENDATIONS: FCI in Littleton, CO. That the defendant participate in educational and vocational training programs.

Submitted by: David H. Hisashima, Courtroom Manager